

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

Inasmuch as the United States Court of Appeals for the Eighth Circuit has affirmed this court's judgment, see [filing 232](#),

IT IS ORDERED that the defendant's motion to correct the record regarding the effective filing date of his notice of appeal, or, alternatively, for an extension of time to appeal ([filing 231](#)), is denied without prejudice, as moot.¹

October 14, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge

¹ On September 23, 2008, I granted a motion for extension of time that was filed by defense counsel in response to a letter from the Clerk of the Court of Appeals indicating that the defendant's pro se notice of appeal was untimely. I also noted, however, that it appeared from the record that the defendant's appeal was timely filed under the prison mailbox rule. See [filing 230](#).